

REGULAR MEETING of the Burrillville Town Council held Wednesday, December 8, 2010 at 7:00 P.M. in the Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.

MEMBERS ABSENT: None

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the regular meetings held October 27, 2010 and November 10, 2010; and the special meeting held November 22, 2010; and the organizational meeting held November 30, 2010; and dispense with the reading of said minutes.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

Cheri R. Hall, Director of Parks and Recreation, thanked the Harrisville Fire District, and Jason Rhodes in particular, for their assistance with the Santa on the Common event.

Councilor Kevin D. Heitke thanked those who participated in the holiday card contest. Councilor Heitke said that the cards had sold out and that proceeds would be used to help a family in need.

Councilor Edward J. Blanchard announced the schedule for the cat spay and neuter clinic.

Councilor Edward J. Blanchard and the town clerk were both wished happy birthdays.

5. Petitions: None

6. Special Business:

10-266 VOTED to open the presentation by J. David Smith, Director, Rhode Island Emergency Management Agency.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Jason Rhodes, Burrillville Director of Emergency was presented with a plaque recognizing his being named the Rhode Island Emergency Management Director by the New England States Emergency Consortium. J. David Smith, Director of Rhode Island Emergency Management, discussed the importance of local involvement in emergency management programs and congratulated Mr. Rhodes, his family, and the community on Mr. Rhodes achievements. Mr. Rhodes accepted the award and acknowledged the support of his family and community.

VOTED to adopt the citation for Jason and extend congratulations to him on his award.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

7. Show Cause Hearings:

Chum's Spirits, Ltd:

The Town Council of the Town of Burrillville, Rhode Island, acting in their capacity as licensing commissioners for said Town, will hear

evidence concerning complaints submitted by Colonel Bernard E. Gannon, Chief of Police of the Town of Burrillville in regards to the Class A Liquor License, numbered 2, which was granted on the 18th day of November 2009 and issued to Chum's Spirits Ltd d/b/a Chum's and issued on November 19, 2009.

A. Presentation of evidence by Town of Burrillville

Colonel Bernard E. Gannon, Chief of Police, explained the Alcohol Compliance Survey, sponsored by the Rhode Island Department of Mental Health, Retardation and Hospitals. Colonel Gannon noted that Chum's Liquors was in violation because they had served underage customers. Colonel Gannon reported that the records showed no previous violations and recommended a warning be issued.

B. Cross examination of witnesses by license holder:

Maurice Pelkey, owner of Chum's Liquors, admitted the violation and indicated that he would accept the decision of the Town Council. Mr. Pelkey described steps taken to prevent future violations, including participation in server training and increased staffing at the store.

Councilor Edward J. Blanchard noted that server training is not required for Class A license holders and asked whether Mr. Pelkey would be willing to participate in server training if there were no associated fees for the training. Training was discussed.

Maurice Pelkey, owner of Chum's Liquors, confirmed for the record

that he was not contesting the violation. Timothy F. Kane, Town Solicitor, noted that, based on the admission, there was no need to proceed with the remainder of the hearing.

There was discussion of progressive discipline associated with liquor license violations.

VOTED to issue just a warning at this time to Chum's Liquor Store.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

C. VOTED to adjourn the show cause hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Mark Murphy, Inc. d/b/a George's Pizza:

The Town Council of the Town of Burrillville, Rhode Island, acting in their capacity as licensing commissioners for said Town, will hear

evidence concerning complaints submitted by Colonel Bernard E. Gannon, Chief of Police of the Town of Burrillville in regards to the Class B Victualing Liquor License, numbered 12, which was granted on the 18th day of November 2009 and issued to Mark Murphy Inc. doing business as George's Pizza on November 19, 2009.

A. Presentation of evidence by Town of Burrillville

Colonel Bernard E. Gannon, Chief of Police, explained the Alcohol Compliance Survey, sponsored by the Rhode Island Department of Mental Health, Retardation and Hospitals. Colonel Gannon noted that George's Pizza was in violation because they had served underage customers. Colonel Gannon reported that the records showed no previous violations and recommended a warning be issued.

B. Cross examination of witnesses by license holder

Mark Murphy, owner of George's Pizza indicated that all his employees had attended server training, that the violation was an error made by an experienced server at shift change, that there had been no previous violations and that he had taken steps to prevent repetition. Mark Murphy, owner of George's Pizza, stated for the record that he was not contesting the violation.

VOTED that George's Pizza just be given warning at this time at the recommendation of the Chief of Police and Solicitor.

Motion by Councilor Wallace F. Lees. Seconded by Councilor

Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

C. VOTED to adjourn the show cause hearing.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

8. Unfinished Business:

10-239 Correspondence from John P. Mainville, Finance Director, regarding awarding of bids for items to be purchased as part of the COPS technology program.

A. MOTION to award the bid for Police Dispatch Console to Xybix Systems, Inc. in an amount not to exceed \$25,000 (base bid \$16,414; options \$6,426, plus freight and installation).

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

B. MOTION to award the bid for Police Radios to WPCS International, Inc. for fourteen (14) Mobile Radios and Accessories in the amount of \$17,287.76; and twenty-one (21) Portable Radios and Accessories in the amount of \$11,858.28.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

9. New Business:

10-267 VOTED to open the correspondence from Susan Moulton regarding her request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Discussion: Susan Moulton of Islington, MA, explained that the check had been sent but not delivered. Ms. Moulton indicated that she had stopped payment on the check and issued a second check to cover taxes and interest. Ms. Moulton asked that the interest be reimbursed.

VOTED to deny, on the recommendation of the Finance Director.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Discussion: Council President Nancy F. Binns explained the Town Council's policy of deciding these matters consistently.

10-268 VOTED to open the correspondence from Joseph Howe, Deer Run Trail, regarding the change of the road's name to Tanglewood Trail.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Discussion: Joseph Howe of Deer Run Trail indicated that the name was being changed to Tanglewood Trail with approval of the owner of the property because of confusion with Deer Run Drive, located elsewhere in Pascoag.

VOTED to accept the name change to Tanglewood Trail.

Motion by Councilor Edward J. Blanchard Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10-269 Correspondence from Cheri R. Hall, Director of Parks & Recreation, regarding awarding of bids.

A. VOTED to open the award of the bid for arcade operations to John Bateman for \$7,000 per year for three years beginning with the 2011 season, with up to two years extension upon administrative review and extensions contingent upon receipt of all required licenses and permits.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Cheri R. Hall, Director of Parks & Recreation, reviewed the bid, the procedure, and the recommendation of the Recreation Commission. Alternative bid methods were reviewed. There was discussion of delaying the awarding of the bid to allow for additional review that might result in increased revenues.

VOTED award the bid for arcade operations to John Bateman for \$7,000 per year for three years beginning with the 2011 season, with up to two years extension upon administrative review and extensions contingent upon receipt of all required licenses and permits.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

B. VOTED to open the award of the bid for snack bar operations to Juliette Lopez for \$7,000 per year for three years beginning with the 2011 season, with up to two years extension upon administrative review and extensions contingent upon receipt of all required licenses and permits.

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were

Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Discussion: Cheri R. Hall, Director of Parks & Recreation, reviewed the bid, the procedure, and the recommendation of the Recreation Commission.

VOTED to approve the award of the bid for snack bar operations to Juliette Lopez for \$7,000 per year for three years beginning with the 2011 season, with up to two years extension upon administrative review and extensions contingent upon receipt of all required licenses and permits.

10-270 VOTED to open the correspondence from Nancy F. Binns, Town Council President, regarding the scheduling of various workshops.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Discussion: Council President Nancy F. Binns referred to her December 2, 2010 correspondence, in which she scheduled

workshops as follows:

Date Time Location Subject

January 11, 2010 6:30 p.m. Jesse Smith Library Update legal matters

January 11, 2010 7:30 p.m. Jesse Smith Library Update department matters

January 18, 2010 7:00 p.m. Town Building Legislative Agenda / Goals & Objectives

January 31, 2010 7:00 p.m. Town Building Meet with legislators

February 8, 2010 7:00 p.m. Jesse Smith Library Pavement program

Council President Binns asked the Town Council to vote to finalize the date for the annual joint meeting with the School Committee and Budget Board.

MOTION that we set that meeting for December 30th at 7:00 P.M. in Town Council Chambers.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke.

AMENDMENT TO THE MOTION to move it to the big meeting room at the library.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor

Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10-271 Consider and act on a motion that the Town Council approves budget dates for public hearings and budget adoption.

VOTED to approve the budget calendar for fiscal year ending 2012 as presented, with the amendment of the date of the joint pre-budget meeting being December 30, 2010.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10-272 VOTED to refer to the Screening Subcommittee the application from Christopher G. Lacey for reappointment to the Board of Assessment Review and his interest in serving on the Planning Board.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10-273 VOTED to refer to the Screening Subcommittee Application from Joshua J. Steere regarding his interest in serving on the Personnel Board and/or the Recreation Commission.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10-274 Correspondence from Nancy F. Binns, Town Council President, regarding an appointment of a volunteer to serve on the School Department Anti-Bullying Task Force, as requested by Dr. Frank Pallotta, Burrillville Superintendent of Schools.

Councilor Edward J. Blanchard volunteered to serve on the School Department Anti-Bullying Task Force.

The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10-275 VOTED to open discussion of adoption of a resolution

requesting that the Rhode Island General Assembly file and pass legislation to ratify, confirm, validate or enact the amendments to the Home Rule Charter that the electors of the Town of Burrillville approved and adopted on 2nd day of November 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

VOTED to adopt a resolution requesting that the Rhode Island General Assembly file and pass legislation to ratify, confirm, validate or enact the amendments to the Home Rule Charter that the electors of the Town of Burrillville approved and adopted on 2nd day of November 2010, with additions of “consent” as provided in our packets, as follows:

**BURRILLVILLE TOWN COUNCIL
RESOLUTION
HOME RULE CHARTER - ELECTIONS**

WHEREAS, the electors of the Town of Burrillville on the second day of November 2010 approved and adopted amendments to the Home Rule Charter of the Town of Burrillville.

NOW THEREFORE BE IT RESOLVED THAT we, the Town Council of the Town of Burrillville on this 8th day of December 2010 do hereby respectfully requests that legislation be filed to ratify, confirm, validate, consent to or enact the amendments and that the legislators who represent the Town of Burrillville work to secure passage of the following legislation as soon as possible

SECTION 1. In all respects in which the home rule charter of the town of Burrillville, approved and adopted by the electors of the town of Burrillville on November 8, 1988 and as amended by vote of the electors on the second day of November 2010 may require ratification, confirmation, validation, consent or enactment by the general assembly, but in no other respects, the provisions of said amendments to the Home Rule Charter of the Town of Burrillville are hereby ratified, confirmed, validated, consented and enacted. It is the express intention of the general assembly, by the passage of this act, to give effect to, ratify, confirm, validate, consent to and enact those provisions of the said amendments to the Home Rule Charter of the town of Burrillville which require ratification, confirmation, validation, consent or enactment and by the passage of this act, the legislature does hereby ratify, confirm, validate, consent to and enact said provisions, but nothing in this act shall be construed to abrogate or impair the powers now or hereafter granted to towns by the home rule amendment and other applicable laws of the state of Rhode Island or those rights retained by said town of Burrillville in its Home Rule Charter.

SECTION 2. If any provision of this act, or the application thereof to the Town of Burrillville or to any person or circumstances is deemed invalid for any reason, the remainder of this act, or the application of such provision to said town or other persons or circumstances shall not be affected thereby, and to this end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon passage.

PASSED AS A RESOLUTION of the Burrillville Town Council this 8th day of December 2010.

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10. Town Clerk/Communication:

10-276 Correspondence from Louise R. Phaneuf, Town Clerk, regarding recommendations relative to perpetual care of cemetery lots.

Note: Councilor Wallace F. Lees recused from discussion and action

on item #10-276.

A. VOTED that the Burrillville Town Council hereby authorizes Louise R. Phaneuf, Town Clerk, to withdraw \$476.50 from the Burial Lots Fund for maintenance of cemeteries.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, six in favor, one refusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson. Councilor Wallace F. Lees refused.

B. Consider and act on establishing an ad hoc Cemetery Maintenance Committee to investigate and report on alternatives for the control and management of funds which have been accepted by the Town for the perpetual care of cemetery lots specified in the acceptance and make recommendations thereon.

There was discussion of the benefits of investigating cemetery maintenance. Council President Nancy F. Binns and Councilors Stephen N. Rawson and Edward J. Blanchard volunteered to serve on the committee.

VOTED to establish an ad hoc Council committee consisting of Mr. Blanchard, Mr. Rawson and the Council President, to discuss the

perpetual care of cemetery lots and to establish a workshop to meet with outside interests to discuss the on-going suggestions and care of the cemeteries.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

10-277 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding appointment of acting town manager when he is out of the area.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

VOTED to receive and file.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D.

Heike, David J. Place and Stephen N. Rawson.

11. VOTED to receive reports #1 through 24, as follows:

- 1. Town Treasurer: No report**
- 2. Burrillville Sewer Commission: Report of October 2010; meeting of October 10, 2010**
- 3. Tax Collector: Report of October 2010**
- 4. Department of Public Works: Report of October 2010**
- 5. Chief of Police: Reports of September and October 2010**
- 6. Office of Building Official: Report of October 2010**
- 7. Animal Control Officer: Report of October 2010**
- 8. Burrillville Housing Authority: Meeting of October 13, 2010**
- 9. Planning Board/Town Planner: Meeting of September 13, 2010**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: No report**
- 12. Information Systems Department: No report**
- 13. Burrillville Conservation Commission: No report**
- 14. Ordinance Subcommittee: No report**
- 15. Redevelopment Agency: Meeting of September 28, 2010**
- 16. B-PAC: No report**
- 17. Personnel Board: Meetings of September 21 and October 12, 2010**
- 18. Screening Subcommittee: No report**
- 19. Budget Board: No report**
- 20. Burrillville School Committee: Meetings of July 13, August 3, and September 28, 2010**

- 21. Emergency Management Agency: Report of October 19, 2010**
- 22. Public Safety Committee: No report**
- 23. Charter Review Commission: No report**
- 24. Rubbish & Recycling Committee: Meetings of May 11 & 25, June 21, July 19, August 23, September 27 and October 18, 2010**

Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

Note: Timothy F. Kane, Town Solicitor, requested that the Town Council clarify their vote on item #10-277, pursuant to Charter requirements.

VOTED to reconsider item #10-277.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

VOTED to reopen item #10-277.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor

Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

VOTED to withdraw the original motion and change it to a motion to approve the Manager's emergency appointment of John (P. Mainville, Finance Director) as acting Town Manager.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson.

12. Additional Business:

Note: Councilor Wallace F. Lees recused from participation in the executive session.

10-278 VOTED to grant the request for executive session from Timothy F. Kane, Town Solicitor, pursuant to Rhode Island Open Meeting Law: [§42-46-5(a)(5)] for discussion and consideration relative to the acquisition, sale or exchange of real property: Assessor's Map 191, Lot 108 and Map 209, Lot 143

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, six in favor, one refusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson. Councilor Wallace F. Lees refused.

The Town Council returned to open session at 8:50 P.M.

VOTED to seal the minutes of Executive Session, noting that one vote had been taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, six in favor, one excused. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson. Councilor Wallace F. Lees was not present at the time of the vote.

13. VOTED to adjourn at 8:50 P.M.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The motion carried, six in favor, one refusal. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heike, David J. Place and Stephen N. Rawson. Councilor Wallace F. Lees

recused.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk